

MITIGATED NEGATIVE DECLARATION

August 17, 2006

Project Name: Dean

Project Number(s): TM 5356RPL², Log No. 04-14-005

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Noise, Stormwater, Drainage-Hydrology, Biology
1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

I. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

II. Grading and/or improvement plans for each lot, unit or the project as a whole shall include:

1. Prior to the issuance of grading permits or other County permit, submit for approval to the Department of Planning and Land Use evidence of a contract with a noise monitor who shall be on site during grading within 500 feet of the preserved habitat to monitor noise levels on sensitive receptors.
2. Prior to the issuance of grading permits or other County permit, submit for approval to the Department of Planning and Land Use Evidence of a contract with a biological consultant to perform three focused surveys, on separate days, to determine the presence of California gnatcatchers in the project impact footprint. Surveys will begin a maximum of seven days prior to performing vegetation clearing, grubbing, or grading and one survey will be conducted the day immediately prior to the initiation of remaining work. If any gnatcatchers are found within the project impact footprint, the biologist will direct construction personnel to begin vegetation clearing/grubbing in an area away from the gnatcatchers. Provide a copy of the survey results in report format to the Director of Planning and Land Use prior to the start of clearing, grubbing or grading.
3. A 15-foot tall noise attenuation barrier shall be constructed at the boundary of the limited building zone and biological open space easements as shown on the open space exhibit and on file with the Department of Planning and Land Use as Environmental Review Number 04-14-005. This temporary barrier shall be implemented prior to the start of site preparations and be left in place until the mass grading phase of the work is completed. The sound attenuation barrier shall be a solid wall of masonry, wood, plastic, lexan, Plexiglas, or material designed for sound barriers, or a combination of these materials with no cracks or gaps through or below the wall. If wood is used, it must be at least 7/8-inch thick or have a density of at least 3.5 pounds per square foot, and it must

be tongue-in-groove design or have any gaps or cracks filled or caulked.

4. Temporary fences shall be placed to protect all open space easements shown on the Tentative Map which preclude grading, or brushing or clearing in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary.
5. Prior to the issuance of grading permits or other County permit, submit for approval to the Department of Planning and Land Use a statement from a California Registered Engineer, or licensed surveyor that temporary fences have been installed. The temporary fence location shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned between the open space easement boundary and any area of proposed disturbance.
6. Permanent fences or walls and open space signs shall be placed along the open space boundary on Lots 4 and 5 as shown on the open space exhibit and on file with the Department of Planning and Land Use as Environmental Review Number 04-14-005. Fence or walls shall be a minimum height of four (4) feet. Construction materials and fence or wall design are subject to approval by the Department of Planning and Land Use. Signs shall be spaced no more than fifty (50) feet apart.
7. Prior to record plan approval, submit for approval to the Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that permanent fences or walls, and open space signs have been installed. The permanent fence and sign location(s) shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned just outside of the open space easement. Photographs and a brief description of design and materials used shall be submitted with the statement from the California Registered Engineer. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

“Sensitive Environmental Resources
Disturbance Beyond this Point is Restricted
by Easement

Information:

Contact County of San Diego, Department of Planning and Land Use Ref:
04-14-005”

8. Provide the Director of Planning and Land Use with a copy of a Clean Water Act Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands or provide evidence satisfactory to the Director of Planning and Land Use that such permit is not required.
 9. Provide the Director of Planning and Land Use with a copy of a Streambed Alteration Agreement issued by the California Department of Fish and Game for all project related disturbances of any streambed or provide evidence satisfactory to the Director of Planning and Land Use that such an agreement is not required.
- III. Prior to approval of grading permits or improvement plans, and prior to approval of the final Map, the applicant shall:
1. Grant to the County of San Diego a biological open space easement as shown on the Open Space Exhibit on file with the Department of Planning and Land Use as Environmental Review Number 04-14-005. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The sole exception(s) to this prohibition are as follows:
 - a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the

creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts, and any subsequent amendments thereto.

- b. Grant to the County of San Diego an open space easement over portions of Lots 4 and 5 as shown on the Open Space Exhibit on file with the Department of Planning and Land Use as Environmental Review Number 04-14-005. This easement is for the protection of steep slope lands and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. The sole exceptions to this prohibition are as follows:
 - i. Clearing of vegetation to protect existing or proposed structures that are in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or written orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.
- 2. Grant to the County of San Diego a Limited Building Zone Easement as shown on the Open Space Exhibit on file with the Department of Planning and Land Use as Environmental Review Number 04-14-005. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exception(s) to this prohibition are as follows:
 - a. Decking, fences, and similar facilities.

- b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

IV. Prior to the issuance of grading or improvement plans and prior to the approval of the Final Map, the applicant shall:

1. Provide for the approval of the Director of Planning and Land Use evidence that 3.70 acres of coastal sage scrub habitat or other Tier II or higher value habitat credits have been secured in a County approved mitigation bank located in the MSCP. Evidence of purchase shall include the following information to be provided by the mitigation bank:
2. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
3. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
4. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
5. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 3.70 acres of coastal sage scrub habitat located in the MSCP. A Habitat Management Plan (HMP) for the coastal sage scrub habitat must be submitted and approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the HMP.

6. Provide for the approval of the Director of Planning and Land Use evidence that 0.35 acres of non-native grassland habitat or other Tier III or higher value habitat credits have been secured in a County approved mitigation bank located in the MSCP. Evidence of purchase shall include the following information to be provided by the mitigation bank:
 - a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.35 acres of non-native grassland habitat located in the MSCP. A Habitat Management Plan (HMP) for the coastal sage scrub habitat must be submitted and approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the HMP.

- V. Cause to be placed on grading and/ or improvement plans and on the Map, the following: "Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of coastal sage scrub habitat during the breeding season of the California gnatcatcher. This is defined as occurring between March 15 and August 31."

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

PLANS AND SPECIFICATIONS

(Street Improvements and Access)

1. Standard Conditions 1 through 10 and 12.
2. Specific Conditions:
 - a. Prior to approval of the Final Map, improve or agree to improve and provide security for the private easement road, **Road "A"**, to a graded width of forty-feet (40') and to an improved width of thirty-feet (30') with asphalt concrete pavement over approved base asphalt concrete dike at fifteen-feet (15') from centerline. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred one (101) to seven hundred fifty (750) trips shall apply to the satisfaction of the Director of Public Works.
 - b. Prior to approval of the Final Map, improve or agree to improve and provide security for the private easement road, Adlai Road, from the northeast corner of the subdivision, southerly 1,000 feet to East Lakeview Road, to a graded width of thirty-two feet (32') and to an improved width of twenty-four feet (24') with asphalt concrete pavement over approved base. The improvement and design standards of Section 3.1(B) of the County Standards for Private Streets for one hundred one (101) to seven hundred fifty (750) trips shall apply to the satisfaction of the Director of Public Works.
 - c. The to-be-named private road, Road "A" shall terminate with a cul-de-sac graded to a radius of forty feet (40') and surfaced to a radius of thirty-six feet (36') with asphalt concrete pavement over approved base with asphalt concrete dike with face of dike at thirty-six feet (36') from the radius point.

- d. Adequate sight distance per County Standards shall be provided at all proposed intersections of to the satisfaction of the Director of Public Works.

(Drainage and Flood Control)

- 3. Standard Conditions 13 through 18.
- 4. Specific Conditions:
 - a. Construct on-site, the extension of the storm drain system installed for Tentative Map 5009, acceptable to the satisfaction of the Director of Public Works.

(Grading Plans)

- 5. Standard Conditions 19(a-e).
- 6. Specific Conditions:
 - a. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.
 - b. The project includes Category 2 post-construction BMPs. The applicant will be required to establish a maintenance agreement / mechanism (to include easements) to assure maintenance of these BMPs and to provide security to assure maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of Public Works.

- c. All of the work described above pertaining to erosion control, irrigation system, slope protection, drainage systems, desilting basins, energy dissipators, and silt control shall be secured by an Instrument of Credit in a form satisfactory to County Counsel for an amount equal to the cost of this work as determined or approved by the County Department of Public Works. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed. The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. If said deposit collected for grading is less than \$5,000.00, the developer will supplement the deposit to equal \$5,000.00. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.

DEVELOPMENT IMPACT FEES

7. Specific Conditions:
 - a. Deposit with the County Department of Public Works sufficient funds to cover the cost of inspection of the private road improvements.

FINAL MAP RECORDATION

(Streets and Dedication)

8. Specific Conditions:
 - a. Because private roads are approved as a condition of this subdivision, the following shall apply:
 - (1) Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
 - (2) The Director of Public Works shall be notified as to the final disposition of title (ownership) to **Road "A"**, and place a note on the Final Map as to the final title status of said-roads.

- (3) Access to each lot shall be provided by private road easement not less than forty feet (40') wide.
- b. Prior to approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- c. The Basis of Bearings for the Subdivision Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. To be in compliance with the Public Resources Code, all Subdivision Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.
- d. If conducted prior to January 1, 2000, a survey for any Subdivision Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.506[j]).
- If conducted after December 31, 1999, a survey for any Subdivision Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineer's certificate as shown on the Final Map.

(Miscellaneous)

9. Standard Conditions 25, 26, 27, and 28.

WAIVER AND EXCEPTIONS

These recommendations are pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public Road and Private Road Standards, and all other required ordinances of San Diego County except for a waiver or modification of the following:

- a. Standard Conditions for Tentative Maps:
 - (1) Standard Condition 11: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.
 - (2) Standard Condition 27.1: Said condition states that the Final Map may be filed as units or groups of units. The Final Map for this project is required to include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.

ADOPTION STATEMENT: This Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

DEVON MUTO, Planning Manager
Regulatory Planning Division

DM:GK:jcr

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